

REMARKS

I. Examiner Interview

Applicants thank the Examiner for the courtesy of the telephonic Interview held on May 17, 2005. This paper is being filed to incorporate amendments to the claims which the Applicants and Examiner agreed would distinguish the claimed invention over the prior art of record.

II. Supplemental Amendment

This amendment supplements the amendment filed March 31, 2005 which was filed concurrently with a Request for Continued Examination. Subsequent to the Interview, the Examiner confirmed that submission of this supplemental amendment prior to the issuance of the next Office Action is proper and that the supplemental Amendment would be entered and considered.

Claims 1, 18, 27, and 28 have been amended to recite that the apparatus is for use in analyzing solid pharmaceutical samples. Support for this amendment is provided by the specification at page 1, lines 4-6.

Claims 7 and 12 have been amended to delete the term "sequentially". In this regard, the term "sequentially" was deleted from independent claims 1 and 27 in the Amendment filed March 31, 2005 as Applicants believe this term is not necessary to distinguish the claimed invention over any cited prior art.

Claims 18 and 28 have been amended to replace the expression "sample presentation apparatus" with the term "apparatus" in order to have proper antecedent basis for the elements in these claims.

No new matter has been added by any amendment herein.

III. Remarks

Applicants submit that their remarks of record in the Amendment filed March 31, 2005, and in particular their remarks distinguishing the claimed invention over EP896,215 to

Serial No. 09/806,801, filed April 4, 2001

Docket No. 1103326-0659

Page 7 of 7

Hammond et al. ("Hammond") in view of EP767,369 to Trygstad ("Trygstad") and EP436,338 to Wong ("Wong"), remain applicable and responsive to the rejections in the Office Action.

As discussed during the telephonic interview, the instant amendments render moot the prior art rejections under 35 U.S.C. §103. Specifically, Hammond and Trygstad are directed to an apparatus and method for analyzing pharmaceutical tablets whereas Wong is directed to an apparatus and method for analyzing deformable samples such as liver tissues. For the reasons set forth in their previous response, Applicants submit that there is no motivation to combine the cited references, which combination, does not suggest the claimed invention as amended.

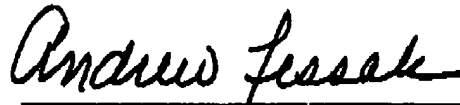
IV. Conclusion

Upon entry of this Amendment, claims 1-3, 6-23, and 25-28 remain pending. Applicants respectfully submit that claims 1-3, 6-23, and 25-28 are distinguishable over the cited prior art, and are directed to patentable subject matter. Accordingly, Applicants request allowance of the claims.

Authorization is hereby given to charge any fee due in connection with this communication to Deposit Account No. 23-1703.

Dated: May 18, 2005

Respectfully submitted,



Andrew Fessak

Reg. No. 48,528

Customer No. 07470

White & Case LLP

Direct Line: (212) 819-8437